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OFFICE OF PETITIONS

In re Application of :
Michel Lanquetin et al :
Application No. 09/646,763 : DECISION ON PETITION
Filed: October 24, 2000 :
Attorney Docket No. GEI-078 :

This is a decision on the petition under 37 CFR 1.137(b), filed June 6, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed August 24, 2006, which set a shortened statutory period for reply of three (3) months. A three (3) month extension of time was obtained under the provisions of 37 CFR 1.136(a). Accordingly, the application became abandoned on February 25, 2007. A Notice of Abandonment was mailed on June 14, 2007, subsequent to the filing of the present petition to revive.


The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the required reply in the form of an amendment, (2) the petition fee of \$1,500, and (3) a proper statement of unintentional delay. Accordingly, the failure to timely reply to the non-final Office action of August 24, 2006 is accepted as being unintentionally delayed.

Under 37 CFR 1.137(b)(3), a statement is required that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is not a correct reading of the statement appearing in the petition.

On February 16, 2007, a request for continued examination (RCE) under 37 CFR 1.114 was filed. However, as noted in the Office communication mailed March 27, 2007, the filing of the RCE was improper since prosecution of the application had not closed. In view thereof, the \$790 fee submitted was unnecessary and will be refunded to petitioner's credit card in due course.

This application is being referred to Technology Center AU 1617 for appropriate action in the normal course of business on the reply received June 6, 2007.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.


Frances Hicks
Petitions Examiner
Office of Petitions